



DIVISION OF COMMUNITY ADVOCACY

Frank H. Murkowski, Governor

MEMORANDUM

DATE: November 28, 2005

TO: Yvonne Kopy, Coastal District Coordinator, Bristol Bay Borough

CC: Jaclyn Brock, Coastal Resource Specialist, Alaska Coastal Management Program

THROUGH: Peter McKay, Planner IV

FROM: Sally Russell Cox, Planner III

SUBJECT: Comments on Bristol Bay Borough Public Review Draft Plan Amendment

Thank you for giving the Division of Community Advocacy the opportunity to review the Bristol Bay Borough Public Review Draft Plan Amendment. We appreciate the significant time and effort the Borough has put into amending its district plan. The Division has reviewed the plan and has provided comments relating to overall plan completeness, and to the following required plan elements:

- Organization
- Subject uses, activities, and designations
- Proper and improper uses and activities
- Implementation
- Public participation

We hope that the following comments will assist the Bristol Bay Borough in preparing its Final Draft Plan Amendment, and ultimately, in achieving a fully approvable amended district plan.

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| I. OVERALL COMPLETENESS OF PLAN |
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Preliminary Information

| | Plan Element | Location in Plan |
|-------------------------------------|-------------------------------|------------------|
| <input checked="" type="checkbox"/> | Cover Page | CMP |
| <input checked="" type="checkbox"/> | Title Page | CMP |
| <input checked="" type="checkbox"/> | Table of Contents | Page 3 |
| <input checked="" type="checkbox"/> | List of Tables | Page 4 |
| <input type="checkbox"/> | List of Maps | N/A |
| <input checked="" type="checkbox"/> | List of Appendices | Page 3 |
| <input checked="" type="checkbox"/> | Acknowledgements | Page 2 |
| <input checked="" type="checkbox"/> | Logos, art, and other symbols | N/A |

Introduction Chapter (OPTIONAL)

| | Plan Element | Location in Plan |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | Community Information (OPTIONAL) | Part I – Resource Inventory and Analysis, Chapter 5, p. 48 |
| <input checked="" type="checkbox"/> | History (OPTIONAL) | Part I – Resource Inventory and Analysis, Chapter 4, p. 33 |
| <input checked="" type="checkbox"/> | ACMP/ CZMA Planning Requirements (OPTIONAL) | Part II – Management Plan, Chapter 1, p. 65 |
| <input checked="" type="checkbox"/> | Organization of the Document (OPTIONAL) | Summary, Page 5; also Part II – Management Plan, Chapter 1, p. 65 |

Ten Required Elements of a District Plan

| | Plan Element | Location in Plan |
|-------------------------------------|--|---|
| <input checked="" type="checkbox"/> | Boundary | Part II – Management Plan, Chapter 2 – The Boundary |
| <input checked="" type="checkbox"/> | Resource Inventory | Part I – Resource Inventory and Analysis |
| <input checked="" type="checkbox"/> | Resource Analysis | Part I – Resource Inventory and Analysis |
| <input checked="" type="checkbox"/> | Issues, Goals, and Objectives | Part II – Management Plan, Chapter 3 – Goals and Objectives |
| <input checked="" type="checkbox"/> | Enforceable Policies (Designated Areas and DEPs) | Part II – Management Plan, Chapter 4 |
| <input checked="" type="checkbox"/> | Subject Uses | Part II – Management Plan, Chapter 4 |
| <input checked="" type="checkbox"/> | Proper and Improper Uses | Part II – Management Plan, Chapter 4 |
| <input checked="" type="checkbox"/> | Organization | CMP Summary; Part 1, Chapter 6; and Part II, Chapter 5 |
| <input checked="" type="checkbox"/> | Implementation | Part II – Management Plan, Chapter 5 – Implementation Process |
| <input checked="" type="checkbox"/> | Public Participation | Part II – Management Plan, Chapter 3, Setting |

Findings:

The revised Bristol Bay Borough Coastal Management Program (BBB CMP) contains all required elements of a coastal district plan with the exception of the organization element. DCA finds that the BBB CMP meets the requirement of the regulations.

Required Changes:

None

Suggested Changes:

None

II. ORGANIZATION

The organization element of the BBB CMP is not clearly identified. Most of the requirements of the organization element are contained within the CMP summary, in Part 1, Chapter 6 and in Part II, Chapter 5. The requirements of **11 AAC 114.210.Organization** are addressed as follows:

Description of the organizational structure of the district and state whether the district is a coastal resource service area or a municipality.

This requirement is located in Part 1 Resource Inventory and Analysis, Chapter 6 Land Status, page 61.

Identify and give addresses for the officials or departments within the district that are assigned to
(1) determine, for the purposes of issuing a municipal authorization or permit, the consistency of proposed uses and activities with the approved district plan;
(2) submit comments to the state under 11 AAC 110.

The officials within the district that are assigned to determine the consistency of proposed uses and activities with the approved district plan and to submit comments to the state under 11 AAC 110 are identified

on page 8 of the CMP summary and in Part II, Chapter 5. The addresses of these individuals are not provided in the CMP.

Findings:

The organization element of the BBB CMP is not clearly identified, although most of the requirements are found within the CMP summary, in Part I, Chapter 6 and in Part II, Chapter 5. DCA finds that this element of the BBB CMP meets the requirements of the regulations, with the following required change:

Required Changes to the PRD:

Include the addresses of the officials within the Bristol Bay Borough that are assigned to determine the consistency of proposed uses and activities with the approved district plan and to submit comments to the state under 11 AAC 110.

Suggested Changes to the PRD:

More clearly identify the organization element within the CMP.

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| III. SUBJECT USES, ACTIVITIES, AND DESIGNATIONS. |
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The subject uses, activities, and designations element of the BBB CMP is addressed in Part II, Chapter 4 of the BBB CMP. The requirements of **11 AAC 114.250. Subject uses, activities, and designations** are addressed as follows:

A district plan must include a description of the land and water uses and activities that are subject to the district plan. The uses and activities subject to a district plan are limited to those included in 11 AAC 112.200 – 11 AAC 112.240, 11 AAC 112.260 – 11 AAC 112.280, and (b) - (i) of this section.

Findings:

DCA finds that the land and water uses and activities element of the BBB CMP meets the requirements of the regulations.

Required Changes to the PRD:

None

Suggested Changes to the PRD:

None

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| IV. PROPER AND IMPROPER USES AND ACTIVITIES |
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The proper and improper uses and activities element of the Bristol Bay Borough CMP is addressed in Chapter 4 of Part II. The requirements of **11 AAC 114.260. Proper and improper uses and activities** are addressed as follows:

A district plan must describe the uses and activities, including uses of state concern, that will be considered proper, and the uses and activities, including uses of state concern, that will be considered improper, within the district's coastal zone, including land and water use designations. This description must be based on the district's statement of issues, goals, and objectives under 11 AAC 114.200 and must be consistent with the statewide standards set out in 11 AAC 112.

Findings:

DCA finds the proper and improper uses and activities element meets the requirements of the regulations.

Required Changes to the PRD:

None

Suggested Changes to the PRD:

None

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| V. IMPLEMENTATION |
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The implementation element of the Bristol Bay Borough CMP is addressed in Chapter 5 of Part II. The requirements of *11 AAC 114.280.Implementation* are addressed as follows:

Description and adequacy of the methods and authorities used to implement, monitor, and enforce the district plan:

This requirement is addressed in Chapter 5 of Part II.

Description of implementation responsibilities of cities within coastal resource service areas and boroughs:

The CMP does not address the implementation responsibilities of cities within the borough.

Description of the planning, implementation, and enforcement relationship between the coastal district and the cities or villages inside the district:

The CMP does not address the planning, implementation and enforcement relationship between the coastal district and the cities or villages inside the borough.

Description of how the district plan addresses consistency reviews, any municipal appeals, planning and plan revisions, applicable municipal land use regulations, and review of applicable municipal land use regulations for consistency with the district plan:

This requirement is addressed in Chapter 5 of Part II on pages 82-86.

Findings:

DCA finds that the implementation element of the BBB CMP generally meets the requirements of the regulations with the following required changes:

Required Changes to the PRD:

Address the implementation responsibilities of cities within the borough as well as the planning, implementation and enforcement relationship between the coastal district and the cities or villages inside the borough.

Suggested Changes to the PRD:

None

VI. PUBLIC PARTICIPTION

The Bristol Bay Borough CMP does not contain a section which specifically addresses public participation, although mention is briefly made of community meetings at the beginning of Part II, Chapter 3.

The requirements of *11 AAC 114.290.Public Participation* are addressed as follows:

Documentation of an effective and significant opportunity for public participation in district plan development under this chapter.

The public notice announcing the availability of the public review draft of the CMP provided opportunities for public comment, both through public hearing before the Bristol Bay Borough Planning and Zoning Commission and through mail and email venues.

Documentation of public participation (narrative, table, outline, etc.)

The CMP briefly discusses community meetings held in the borough in Chapter 3 of Part II.

Significant and effective opportunities for public involvement

The public notice provides significant and effective opportunities for public involvement.

Opportunities for participation by a city or village within a CRSA

Not applicable

Participation by state and federal agencies

State and federal agencies are being given the opportunity to comment on the BBB CMP during the current public review and comment period.

Findings:

Because the period of public review and comment is just being completed, all requirements of this plan element have not been met.

Required Changes to the PRD:

Provide documentation of participants in plan review and comment process once this process has been completed.

Suggested Changes to the PRD:

Add a section specifically addressing the public participation process in the amendment to the BBB CMP.